

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

REGINALD CLEMENT,

Petitioner,

v.

BENNIE KELLY, Warden,

Respondent.

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CASE NO. 1:13-CV-00389

OPINION & ORDER
[Resolving Doc. No. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On September 24, 2013, Magistrate Judge Vecchiarelli recommended the Court dismiss Petitioner Clement's petition under [28 U.S.C. § 2254](#).^{1/} On October 4, 2013, Petitioner moved to extend the time within which to file objections to the Report and Recommendation.^{2/} On October 8, 2013, the Court granted the motion for additional time and ordered Petitioner to object to the Report and Recommendation by November 8, 2013.^{3/} Petitioner Clement did not file an objection. The Court now **ADOPTS** Magistrate Judge Vecchiarelli's well-reasoned Report and Recommendation and **DISMISSES WITH PREJUDICE** the petition.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made objected.^{4/} Failure to object within the time authorized by the Federal Rules of Civil Procedure or other court order

^{1/}Doc. [10](#).

^{2/}Doc. [11](#).

^{3/}Doc. [12](#).

^{4/}[28 U.S.C. § 636\(b\)\(1\)](#).

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waives a party's right to appeal the Magistrate Judge's recommendation.^{5/} If neither party objects to the Report and Recommendation, a district court may adopt it without review.^{6/} However, this Court has conducted its own review of the petition and traverse^{7/} and agrees with the conclusions of the Magistrate Judge.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Vecchiarelli's Report and Recommendation. The Court **DISMISSES WITH PREJUDICE** Clement's § 2254 petition. Moreover, the Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability.^{8/}

IT IS SO ORDERED.

Dated: November 14, 2013

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{5/}See [Thomas v. Arn](#), 474 U.S. 140, 147-55 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

^{6/}[Thomas](#), 474 U.S. at 149.

^{7/}See Docs. [1](#), [9](#).

^{8/}[28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).